

Message Text

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ACTION L-03

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 7719

C O N F I D E N T I A L SAN JOSE 2939

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E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: PROSPECTS GOOD FOR EXTRADITION LAW REPEAL

REF: STATE 168369

SAN JOSE A-97 (BIWEEKLY POLITICAL REVIEW)

1. THE JURIDICAL COMMISSION OF THE LEGISLATIVE ASSEMBLY HAS BEEN HOLDING HEARINGS SINCE JULY 20 ON THE CONTROVERSIAL EXTRADITION LAW, WIDELY KNOWN HERE AS THE "VESCO LAW." SO FAR, THE COMMISSION HAS HEARD AT LEAST THREE PROMINENT LAWYERS: BUILLERMO PADILLA, FRA CISCO CASTILLO, AND RODOLFO PIZA, ALL HOLDING HIGHLY CRITICAL VIEWS OF THE NEW LAW. DURING LUNCH WITH EMBASSY OFFICER AND CHARGE ON AUGUST 1, ALFONSO CARRO ZUNIGA, PRESIDENT OF THE LEGISLATIVE ASSEMBLY, SAID THAT OVERWHELMING SENTIMENT EXISTS THROUGHOUT ASSEMBLY FRACTIONS FOR AT LEAST MODIFYING THE EXISTING LAW AND MANY DEPUTIES WANT IT REPEALED OUTRIGHT. HE SAID THE PLN FRACTION SHARES THESE SENTIMENTS. CARRO'S OWN VIEW IS TO SEEK A MODIFIED LAW WHICH WOULD NOT CONTAIN PERSONALISTIC TREATMENT OF VESCO. HE SAID THE QUESTION OF WHETHER EXTRADITION JURISDICTION FALLS TO THE EXECUTIVE OR JURIDICAL BRANCH SHOULD BE DEFINED IN LIGHT OF THE PRACTICE IN THE REQUESTING COUNTRY, BUT EMPHASIZED THIS WAS A PERSONAL OPINION.

2. IN REFAIR, EMBASSY ESTIMATED THAT A NEW EXTRADITION
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BILL WOULD PROBABLY BE PASSED IN SEPTEMBER OR

OCTOBER. A PRESS ITEM OF AUGUST 3 EMANATING FROM THE LEGISLATIVE ASSEMBLY AND LIKELY STIMULATED BY OUR LUNCHEON CONVERSATION WITH CARRO STATES THAT AN EXTRADITION BILL SUBCOMMISSION, WITHIN THE JURIDICAL COMMISSION, HAS BEEN CREATED TO STUDY THE MATTER. GUILLERMO PADILLA CASTRO, CONSIDERED THE FATHER OF THE 1971 EXTRADITION LAW AND AN OBVIOUS CRITIC OF THE EXISTING LAW, HAS BEEN NAMED AS PERMANENT ADVISOR TO THE SUBCOMMISSION.

3. THE PRESS ARTICLE SAYS THAT THE JURIDICAL COMMISSION WOULD LIKE TO SEE THE ADMINISTRATION PASS A NEW EXTRADITION BILL ON THE AGENDA FOR THE ASSEMBLY'S EXTRAORDINARY SESSIONS FROM AUGUST 15-30. (THE EXECUTIVE BRANCH DETERMINES THE AGENDA DURING EXTRAORDINARY SESSIONS). THIS SEEMS UNLIKELY, HOWEVER, GIVEN THE TWO WEEKS OF VACATION PRIOR TO AUGUST 15 WHEN THE SUBCOMMISSION DEPUTIES WILL NOT WORK, THE CERTAIN TIME NEEDED TO PREPARE THE NEW BILL AND PERMIT THE SUPREME COURT ITS OPINION AND THEN THE TIME REQUIRED TO HEAR ASSEMBLY DEBATE. THE EMBASSY STICKS WITH ITS ESTIMATE OF SEPTEMBER OR OCTOBER FOR PASSAGE OF A NEW LAW.

4. CHARGE ASKED FACIO A COUPLE OF WEEKS AGO HOW HIS WORK WAS COMING ALONG ON THE EXTRADITION TREATY. FACIO ADMITTED TO HIM THEN THAT VERY LITTLE HAD BEEN DONE SO FAR AND THAT HE NEEDED TO PROD THE ATTORNEY-GENERAL'S OFFICE TO GIVE IT PRIORITY ATTENTION. HE INDICATED TO THE CHARGE THAT TREATMENT OF THIS MATTER IS OVERDUE.
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